

IN THE COURT OF ASGHAR SHAH SESSIONS
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 30/4 of 2020
Date of Institution : 13.04.2020
Date of Transfer-in : 20.04.2020
Date of Decision : 21.04.2020

AQAL JAFFAR VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan Advocate for accused/petitioner present. Mr. Abid Ali Advocate submitted Wakalatnama in favor of injured/complainant Sabir Jamal which is placed on file. Arguments heard and record gone through.

2. Accused/petitioner, Aqal Jaffar seek his release on bail in case FIR No. 24, dated 08.04.2020 registered U/S 324 PPC of Police Station Lower Orakzai Kalaya, wherein he is charged for causing firearm injury to the injured/complainant on his left leg for the motive of restraining the accused from cutting the tree.

3. From the arguments and record available on file, it reveals that admittedly there was no previous enmity or ill-will between the parties and the present occurrence resulted at the spur of moment during the exchange of hot words when

ASGHAR SHAH
District & Sessions Judge
Orakzai at Hangu

21.04.20

the complainant allegedly restrained the accused from the cutting of joint tree. There is no past criminal history of the accused/petitioner besides the complainant received single firearm injury on his non-vital part of the body i.e. left leg. As such no repetition of fire shots has taken place to determine prima facie the pre-intention of the accused for the commission of offence. The local police had not recovered any blood from the spot nor the crime weapon was recovered despite the accused being in police custody for one day. Also, the accused/petitioner has gone through the process of investigation but he has not confessed his guilt. Moreover, punishment for the offence u/s 337-F3 PPC is compensation in shape of *DAMAN*, whereas imprisonment under the ibid section as well as u/s 324 PPC is discretionary and subject to 337-N (2) PPC. As such further inquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

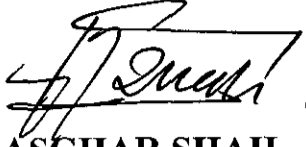
4. Hence, in the light of above, the bail petition in hand stand accepted and accused/petitioner is admitted to bail in sum of rupees 100,000 with two sureties each, each in the like amount to the satisfaction of this court.

ASGHAR SHAH
 District & Sessions Judge
 Jhelum at Hanghu

21.04.20
 [Signature]

5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

Announced
21.04.2020


ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela
21.04.20.